

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1766.01
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	June 1, 2001
DATE OF REPORT:	June 29, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 5, 2001

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

511 IAC 7-21-6(b) with regard to the school's alleged failure to provide to students with disabilities instructional materials and supplies comparable to those provided to non-disabled students, specifically, access to computers.

511 IAC 7-27-9(b) with regard to the school's alleged failure to provide to students with disabilities the variety of educational programs and services that are made available to non-disabled students, specifically:

- a. participation in the computer "buddy program;" and
- b. participation in the keyboarding (music) class.

FINDINGS OF FACT:

1. The student (the "Student") is thirteen years old and completed the sixth grade at the School during the 2000-01 school year. The Student is eligible for special education and related services as a student with a learning disability ("LD").
2. The local director of special education (the "Director") reported the following. "Given the average class size in general education in the middle schools, there is an average of six (6) students to a computer. Some middle schools reached that ratio early for their general education core classes while others are still working to reach a ratio. The average of six (6) students to one (1) computer has been, and will continue to be, applied when considering acquisition of technology for special education classes."
3. The Student's teacher of record reported to the Assistant Director that she has one computer in her room that only she used because of the student management program. The Director reported that this is a matter of teacher convenience in that the teacher must exit the student management program before a student can use the computer, and many teachers (general and special education) refuse to take that step and leave the student management program on throughout the day.
4. The Director stated that she did not have available class rosters and was unable to determine the Student's class sizes. Therefore, the Director was unable to determine if the ratio of students to computers was comparable to that of students in general education.

5. The original intent of the buddy program (the "Buddy Program") was to increase achievement as measured by ISTEP, using technology and computer-assisted instruction in core curriculum areas. The program was for fourth grade students attending an elementary school who met eligibility based on socioeconomic demographic data. Students were given the opportunity to rent computers to use at home. As the students entered into the middle school grades (sixth through eighth) the Buddy Program advanced with them.
6. In a memorandum dated June 13, 2001 (the "Memo"), the principal of the School (the "Principal") explained to the Assistant Director that when the "original grant was written at district level, special education classrooms were not written into the grant." The School was not part of the original grant, and students did not have the chance to rent a computer during the first years of the grant. When the School was finally added to the grant, all students, including special education students could rent a computer, and many did. All students were given the opportunity to rent computers, received information to take home, and had the chance to come to the informational meetings regarding the program that were held during the school day.
7. The Director reported that, because the focus of the Buddy Program was on increasing achievement in general education core curriculum, students with disabilities who received less than fifty percent of their instruction in the general education core curriculum were not eligible to participate in the program. The Student did not participate in the Buddy Program because the Student did not receive 50% or more of his instruction time in the general education core curriculum. The Director added that the Buddy Program is ending, and no computers will be issued in the future. The computers and printers purchased through the grant will be redeployed from student homes to the schools.
8. A copy of the grant and the School's guidelines for the Buddy Program could not be obtained due to the summer vacation.
9. The least restrictive environment (the "LRE") section of the Student's *individualized education program* (the "IEP") dated for the 2000-01 school year lists the Student's placement as "special education curriculum for most of the instructional day, with instruction in the general classroom for part of the day." The permission for placement section of the *IEP* has "full-time special education instruction (50% or more)" checked as the Student's program. The Discussion Summary on the *IEP* states "Schedule was designed to meet his individual needs."
10. The Complainant reported that when she and the Student filled out the Student's schedule for the 2000-01 school year, the Student was to take a music keyboarding class ("Keyboarding"). On enrollment day, the Complainant alleges that Keyboarding was not on the Student's schedule because it was not offered to students receiving special education services.
11. The Director reported that the School offers many classes as exploratory and they include such options as art, music, computers, health, grade six foreign language, etc. Some of these classes are required and others are "electives." The *IEP* contains goals and objectives to address the Student's study skills, math, reading, and these classes were not "electives." The *IEP* indicates that all of the Student's core curriculum (academic) classes were to be provided in the special education classes.
12. The Principal's Memo stated that the Keyboarding class that is offered for an entire year is an eighth grade class only. The Student was in the sixth grade. Ten of thirty students in the eighth grade Keyboarding class were students who receive special education services. A semester each of sixth grade art and sixth grade Keyboarding is available to sixth grade students at the School. However, due to a scheduling conflict with the Student's learning disabilities study skills class and

a required art class, the Student was unable to take Keyboarding. The Principal also reported that there were several students in the sixth grade Keyboarding class who were students receiving special education services, but they did not have scheduling conflicts.

13. A copy of the Student's schedule, the School's daily class schedules, and class schedules of students receiving special education services were not available due to the summer vacation .

CONCLUSIONS:

1. Findings of Fact #2, #3, and #4 indicate that no documentation was provided to determine if the ratio of students with disabilities to computers was comparable to that of nondisabled students in general education; therefore, a violation of 511 IAC 7-21-6(b) is found.
- 2.a. Findings of Fact #5, #6, #7, and #8 indicate that the school's guidelines for the Buddy Program precluded certain students from disabilities from participating in the program, including the Student who is the subject of this complaint. Therefore, a violation of 511 IAC 7-27-9(b) is found.
- 2.b. Findings of Fact #9, #10, #11, #12, and #13 indicate the Student's class schedule precluded taking Keyboarding due to a scheduling conflict with another required course. Although the School reports that other students with disabilities were included in Keyboarding, it provided no documentation in support. Therefore, a violation of 511 IAC 7-27-7(b) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. compute the average number of students in the special education core curriculum classrooms and provide computers, comparable in all respects to those provided in the general education core curriculum classes, in the same proportion as they are provided in general education core curriculum classes. Documentation consisting of class lists, computation of ratio of students to computers, and specifications of computers provided to the special education core curriculum classrooms shall be submitted to the Division no later than August 31, 2001.
- 2.a. submit a statement assuring that the Buddy Program has been discontinued and that future grants shall be written to include the participation of students with disabilities. A copy of the assurance statement signed by the Director and all school principals shall be submitted to the Division no later than August 31, 2001.
- 2.b. submit a statement assuring that students with disabilities are provided the opportunity to participate in the variety of educational programs and services that are made available to nondisabled students. A copy of the assurance statement signed by the Director and all school principals shall be submitted to the Division no later than August 31, 2001.

DATE REPORT COMPLETED: June 29, 2001